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16 **UNITED STATES DISTRICT COURT**
17 **NORTHERN DISTRICT OF CALIFORNIA**
18 **SAN FRANCISCO DIVISION**

18 STEVE CRUMP,

19 Plaintiff,

20 v.

21 WARDEN GREGORY AHERN et al,

22 Defendants.
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Civil Case No. C12-04357 EMC

**STIPULATION AND [PROPOSED]
ORDER REGARDING DEFENDANT
M. GORDON'S MOTION TO DISMISS
FIRST AMENDED COMPLAINT**

Pursuant to Civil Local Rule 7-12, IT IS HEREBY STIPULATED by and between the parties hereto through their respective attorneys of record, that subject to the Court's approval, Plaintiff voluntarily dismisses the Second Cause of Action of the First Amended Complaint (Dkt. No. 53); Defendant M. Gordon withdraws his Motion to Dismiss the First Amended Complaint (Dkt. No. 56), which relates to the Second Cause of Action; and the parties will proceed with the balance of the First Amended Complaint intact. This Stipulation is based on the following:

1. On September 30, 2014, Plaintiff filed a First Amended Complaint (Dkt. No. 53) with two causes of action.

2. On October 14, 2014, Defendant M. Gordon filed a Motion to Dismiss the First Amended Complaint (Dkt. No. 56) (the "Motion"), relating solely to the Second Cause of Action of the First Amended Complaint.

3. Plaintiff does not oppose the Motion, and instead hereby voluntarily dismisses the Second Cause of Action, rendering the Motion moot. In response, Defendant M. Gordon hereby withdraws the Motion.

4. The parties will proceed with the balance of the First Amended Complaint intact.

5. The parties respectfully request that the Court enter an Order approving this Stipulation. In accordance with Civil Local Rule 5-1(i)(3), the filer of this document attests that the concurrence in the filing of this document has been obtained from the other signatory hereto.

Respectfully submitted,

DATED: November 5, 2014

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By: /s/ Rebecca A. Jacobs
Rebecca A. Jacobs

Attorneys for Plaintiff
STEVE CRUMP

1 DATED: November 5, 2014

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JILL SAZAMA
Deputy County Counsel

By: /s/ Jill Sazama
Jill Sazama

Attorneys for Defendant
DEPUTY M. GORDON

9 **[~~PROPOSED~~] ORDER**

10 Pursuant to stipulation, IT IS SO ORDERED.

11 SIGNED on the 7th day of Nov., 2014.

13 THE HONOR
14 Judge, Uni
15 for the North

